

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**IN THE MATTER OF THE
ADMINISTRATIVE INSPECTION OF:**

23 - MJ - 104

STAINLESS FOUNDRY & ENGINEERING, INC.
5150 NORTH 35TH STREET
MILWAUKEE, WISCONSIN 54

***EX PARTE* ADMINISTRATIVE WARRANT
FOR ENTRY, INSPECTION, AND SAMPLING**

TO: DEBRA SHORE, REGIONAL ADMINISTRATOR, ENVIRONMENTAL
PROTECTION AGENCY, REGION 5, AND ANY DULY DESIGNATED EMPLOYEES
OR REPRESENTATIVES OF THE ENVIRONMENTAL PROTECTION AGENCY

Proper application has been made pursuant to the Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a) (“RCRA”), for an administrative warrant to enter and to conduct an investigation and environmental sampling to assess compliance with RCRA at the property located at 5150 N. 35th Street, Milwaukee, Milwaukee County, Wisconsin (the “facility”), and which is operated by Stainless Foundry & Engineering, Inc. (“SF&E”).

Based on the government’s Application for *Ex Parte* Administrative Warrants and the Declaration of Brenda Whitney and all the attachments thereto, the Court finds that the United States has established probable cause for the issuance of the requested administrative warrant to the Environmental Protection Agency and its employees and authorized representatives, including employees of the Wisconsin Department of Natural Resources, to enter the facility and conduct inspection activities required and necessary to determine if SF&E has complied with applicable RCRA requirements at the facility.


Therefore, pursuant to Section 6927(a) of Title 42 of the United States Code, you are hereby authorized to enter the facility during ordinary business hours within reasonable limits and to inspect in a reasonable manner the operations, equipment, containers and environmental media present at the facility, as well as any records, files, and documents required to be made, kept, and maintained at the facility under RCRA and CAA.

You are further authorized to take photographs and to collect environmental samples at the facility, including samples of baghouse dust, Kolene sludge and filter press solids, as well as spillage, leaks or other releases of such wastes in both the interior and exterior areas of the facility, to assess compliance with RCRA.

Entry onto the facility for the above purposes shall be completed within two months from the date this warrant is issued. Following completion of the inspection and sampling authorized by this warrant, the inspecting officers shall make a prompt return to the undersigned Magistrate Judge, showing that the inspection has been completed and accounting for any environmental samples collected. If EPA requires additional time to complete the inspection and sampling activities at the facility, EPA will seek an extension of this warrant from the Court.

A copy of this warrant shall be provided to representatives of SF&E at the time the inspection commences. The United States Marshal is hereby authorized and directed to assist representatives of the EPA in such manner as reasonably may be necessary and required to execute this warrant and the provisions contained herein, including, but not limited to, gaining entry upon the premises, the inspection and photography thereof, and the collection of samples from the premises.

Dated this 17th day of May, 2023.


United States Magistrate Judge
William E. Duffin

Attachment A – Premises to be Inspected/Searching

Stainless Foundry & Engineering, Inc.
5150 N. 35th Street
Milwaukee, Milwaukee County, Wisconsin

SF&E consists of two separate buildings. The northernmost building is the main manufacturing facility, mostly one level, constructed on the exterior of cinderblock. Some offices appear to be located in the west side of the facility. The east portion of the main building (shares a common wall) is noted as having a separate address of 5152 E. 35th Street, Milwaukee, Wisconsin, and is identified as Inspectech, Corp., which is a non-destructive technology inspection laboratory that provides services to foundries, aerospace equipment manufacturers, and the military. It is unknown at this time if a corporate connection exists between SF&E and Inspectech.

The southernmost building in the southwest corner of the image below, has an address of 5110 N. 35th street and appears to be a 4-story brick building of offices. This building is occupied by SF&E. According to WDNR inspection reports, a wood shop may occupy the first floor of the building. The building otherwise does not have the appearance of a manufacturing facility for foundry activities from the outside.



This image is copied from Google Maps.

Attachment B – Inspection Activities and Items to be Seized/Collected

1. Taking of readings using an X-Ray Fluorescence (XRF) device (to determine whether baghouse dust has contaminated the surrounding grounds and soils of the SF&E property).
2. Physical samples of baghouse dust from the baghouses.
3. Physical samples of Kolene sludge.
4. Physical samples of “filter press solids” or the solids removed from the Kolene process’s rinse water prior to discharge to the sanitary sewer.
5. Taking of photographs.
6. Collection/copying of records relating to the generation, treatment, storage, disposal, shipment or other handling of hazardous wastes at the SF&E facility.